



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JUN 12 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Joseph A. Stevens
Foster, Braden & Thompson
102 East Main Street
Stevensville, Maryland 21666

Dear Mr. Stevens:

On behalf of Mr. Lisle T. Lipscomb (Appellant), you filed a notice of appeal with the Secretary of Commerce pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 et seq., and the Department of Commerce's implementing regulations, 15 C.F.R. Part 930, Subpart H. The appeal notice, dated August 12, 1994, was taken from an objection by the State of Maryland to the Appellant's proposal to construct four residences on pilings and an access road within nontidal wetlands adjacent to Prices Creek and the Chesapeake Bay in Queen Anne's County, Maryland. Three of the four structures were proposed in nontidal wetlands within the Chesapeake Bay Critical Area Buffer.

Since the filing of this appeal, the State and the Appellant have reached an agreement to resolve the above-captioned matter through acceptance of an alternative development plan that should make the activity consistent with the State's Coastal Zone Management Program. Accordingly, the Appellant has requested that the appeal be dismissed. The State concurs with that request.

The appeal is hereby dismissed with prejudice. The Appellant is barred from filing another appeal from the State's objection to his original consistency certification. This is a final agency action for purposes of judicial review.

Sincerely,

Diana H. Josephson

cc: Mr. Elder A. Ghigiarelli, Jr.
Water Resources Admin.
Mr. Thaddeus J. Rugiel,
U.S. Army Corps of Engineers





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Mr. Elder A. Ghigiarelli, Jr.
DNR Water Resources Administration
Tawes State Office Building
Annapolis, Maryland 21401

Dear Mr. Ghigiarelli:

Mr. Lisle T. Lipscomb (Appellant) acting through Counsel, filed a notice of appeal with the Secretary of Commerce pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 and the Department of Commerce's implementing regulations, 15 C.F.R. Part 930, Subpart H. The appeal notice, dated August 12, 1994, was taken from an objection by the State of Maryland to the Appellant's proposal to construct four residences on pilings and an access road within nontidal wetlands adjacent to Prices Creek and the Chesapeake Bay in Queen Anne's County, Maryland. Three of the four structures were proposed in nontidal wetlands within the Chesapeake Bay Critical Area Buffer.

Since the filing of this appeal, the State and the Appellant have reached an agreement to resolve the above-captioned matter through acceptance of an alternative development plan that should make the activity consistent with the State's Coastal Zone Management Program. Accordingly, the Appellant has requested that the appeal be dismissed. The State concurs with that request.

The appeal is hereby dismissed with prejudice. The Appellant is barred from filing another appeal from the State's objection to his original consistency certification. This is a final agency action for purposes of judicial review.

Sincerely,

Diana H. Josephson

cc: Mr. Joseph A. Stevens,
Counsel for Appellant
Mr. Thaddeus J. Rugiel
U.S. Army Corps of Engineers

